IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WP(C).No. 26493 of 2007(D)

PETITIONER:

MOHAMMEDKUTTY, AGED 50 YEARS,
S/O.MR.MALANJIPULAN KUTTYASSAN,
RESIDING AT MALANJIPULAM HOUSE,
INDIANOOR, KOTTACKAL P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.TPM.IBRAHIM KHAN

RESPONDENTS:

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1. THE EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL DIVISION, MANJERI,
MALAPPURAM DISTRICT.

2. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL MAJOR SECTION, KOTTAKKAL,
MALAPPURAM DISTRICT.

3. HAMZA, S/O.MALANHIPULAKKAL ALAVIKUTTY
HAJI, MALANHIPULAKKAL HOUSE, INDIANOOR P.O.
KOTTAKKAL, MALAPPURAM DISTRICT.

4. THE CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
VIGILANCE WING, VYDHYUTHI BHAVAN,
THIRUVANANTHAPURAM.

5. THE ADDITIONAL DISTRICT MAGISTRATE,
MALAPPURAM.

R1, R2 & R4 BY SC SRI. P.P. THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 26493 OF 2007

Dated this the 5th day of September, 2007

JUDGMENT

Petitioner is challenging Ext.P7 order whereunder the Addl. District Magistrate has ordered dismantling of an electric line drawn over the property of third respondent without his consent. I heard counsel appearing for the petitioner, and standing counsel for KSEB also. It is seen from Ext.P7 that the said order was passed on a complaint from the third respondent. Even though petitioner has alleged that there was consent from the third respondent for drawing line over his property, it is clear from Ext.P7 that the property belonged to the son of third respondent who is abroad. Ele. Board was under the impression that property belonged to the petitioner and that is why line was drawn without demanding consent from land owner. In any case, even after dismantling of the line, Ele. Board has to give connection to the petitioner through any other route. If payment is required, it has to be collected and petitioner should deposit the same. If line cannot be drawn without crossing anyprivate property, the Ele. Board is bound to

refer the matter to the ADM for overruling the objection, after hearing the objectors. W.P. is accordingly disposed of directing the second respondent to suggest suitable route for giving connection to the petitioner and give connection after getting orders from ADM, if there is objection from land owners over whose property line has to be drawn. If the petitioner gets consent from other land owners, connection should be given without any reference. Ele. Board is free to recover the amount payable to it in accordance with norms.

(C.N.RAMACHANDRAN NAIR)
Judge